

SEALED

FILED

June 27, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

BY: W. Garcia
DEPUTY

UNITED STATES OF AMERICA

Plaintiff

v

**(1) HOMERO ZAMORANO JR.,
(2) CHRISTIAN MARTINEZ,
(3) RILEY COVARRUBIAS-PONCE
aka RRILI
aka RILAY,
(4) FELIPE ORDUNA-TORRES
aka CHOLO
aka CHUEQUITO/CHUEKITO
aka NEGRO**

**(6) LUIS ALBERTO RIVERA-LEAL
aka COWBOY,
(7) ARMANDO GONZALES-ORTEGA
aka EL DON
aka DON GON,**

Defendants

5:22:CR-00366-OLG

SUPERSEDING INDICTMENT

**COUNT 1: Vio: 8 U.S.C. §
1324(a)(1)(A)(ii), (a)(1)(A)(v)(I) &
(a)(1)(B)(iv): Conspiracy to Transport
Illegal Aliens Resulting in Death**

**COUNT 2: Vio: 8 U.S.C. §
1324(a)(1)(A)(ii), (a)(1)(A)(v)(I) &
(a)(1)(B)(iii): Conspiracy to Transport
Illegal Aliens Resulting in Serious Bodily
Injury and Placing Lives in Jeopardy**

**COUNT 3: Vio: 8 U.S.C. §
1324(a)(1)(A)(ii), (a)(1)(A)(v)(II) &
(a)(1)(B)(iv): Transportation of Illegal
Aliens Resulting in Death**

**COUNT 4: Vio: 8 U.S.C. §
1324(a)(1)(A)(ii), (a)(1)(A)(v)(II) &
(a)(1)(B)(iii): Transportation of Illegal
Aliens Resulting in Serious Bodily Injury
and Placing Lives in Jeopardy**

THE GRAND JURY CHARGES:

Introduction

1. From at least December 2021 through June 2022, the defendants, **HOMERO ZAMORANO JR., CHRISTIAN MARTINEZ, RILEY COVARRUBIAS-PONCE, FELIPE ORDUNA-TORRES,** [REDACTED], **LUIS ALBERTO RIVERA-LEAL, ARMANDO GONZALES-ORTEGA,** and others (collectively “smugglers”), participated in a

human smuggling organization which illegally brought adults and children from Guatemala, Honduras, and Mexico (collectively “aliens”) into the United States. The aliens were not U.S. citizens and did not have prior official authorization from the U.S. government to come to, enter, and reside in the United States.

2. Each alien, or their families and friends, paid money, generally the equivalent of \$12,000-\$15,000 USD, to individuals in Guatemala, Honduras, Mexico, the United States, and elsewhere, to be transported illegally into the United States. This fee normally included at least three “attempts”—that is, if the alien was caught by U.S. law enforcement at or near the border and deported, the organization would smuggle them into the United States again for no additional fee.

3. The smugglers worked in concert with each other to transport, and facilitate the transportation of, their various “customer” aliens, utilizing each other’s routes, guides, stash houses, trucks, trailers, and transporters. This patchwork association enabled the smugglers to consolidate costs, spread out risk, and operate more profitably.

4. To ensure proper accounting, each alien was given a code word—the “clave”—to provide at various points along their journey. These code words established that the alien was a “customer” of a smuggler who had arranged access for that portion of the journey, be it a stay at a stash house, a ride in a vehicle, or being led by a guide.

5. Once in the United States, the aliens were to be transported to various destinations within the United States, including San Antonio and other areas within the Western District of Texas.

6. The smugglers operating in the United States worked in concert with smugglers operating in Guatemala, Honduras, and Mexico.

7. The organization maintained a variety of tractors and trailers, which it used to transport aliens from near the border to San Antonio. Some of these tractors and trailers were stored at a

private parking lot in San Antonio.

8. Members of the organization managed stash houses along the border and coordinators worked to consolidate aliens from these stash houses into larger groups that could be transported in tractor-trailer loads from Laredo to San Antonio.

9. In the days leading up to June 27, 2022, **COVARRUBIAS-PONCE**, **ORDUNA-TORRES**, [REDACTED] and others, exchanged the names of aliens who would be transported in an upcoming tractor-trailer load.

10. On June 27, 2022, the defendants charged herein, and others, facilitated and coordinated the retrieval of an empty tractor-trailer and the corresponding hand-off of the tractor-trailer to the driver in San Antonio.

11. The organization recruited **ZAMORANO** to drive the tractor-trailer, as he had done previously. **MARTINEZ** drove **ZAMORANO** from Palestine, Texas to a gas station in San Antonio, where **ZAMORANO** picked up the empty tractor-trailer. Each was to be paid for their role.

12. **ZAMORANO** then drove the tractor-trailer to Laredo, where groups of aliens were transported in box trucks from stash houses to the location of the tractor-trailer. **ZAMORANO** received the load-up address from **MARTINEZ**, who was provided it by **ORDUNA-TORRES**. **GONZALES-ORTEGA** also traveled to Laredo and met the tractor-trailer at the load-up location. In total, at least 66 aliens were loaded into the back of the 53-foot trailer, including eight children and one pregnant woman.

13. The organization demanded that the aliens give up their cell phones prior to entering the trailer. An unknown powder was dispensed in the back of the trailer to mask the smell of the human cargo from detection K-9s at U.S. Border Patrol Checkpoints.

14. Once the trailer was loaded with the aliens, **ZAMORANO** drove it north along IH-35 to San Antonio. **GONZALES-ORTEGA** returned to San Antonio as well.

15. Throughout the transport, **MARTINEZ**, **COVARRUBIAS-PONCE**, **ORDUNA-TORRES**, [REDACTED] **RIVERA-LEAL**, and **GONZALES-ORTEGA** coordinated, facilitated, passed messages, and made each other aware of the tractor-trailer's progress. **MARTINEZ** passed along messages and instructions to **ZAMORANO**.

16. Known to some of the defendants charged herein, the trailer's air-conditioning unit was not working properly and did not blow any cool air to the aliens inside.

17. As the temperature inside the trailer rose, chaos ensued. Some aliens screamed and banged on the walls for help. Some passed out, unconscious. Others clawed at the sides of the trailer attempting to escape.

18. After making the approximate 3-hour journey, the tractor-trailer arrived at the designated unloading location along Quintana Road in San Antonio. The location is easily accessible from IH-35, but is desolate, private, and experiences little traffic. Members of the organization met the tractor-trailer.

19. When the doors to the trailer were opened, forty-eight of the aliens were either already dead or died on site, including one who was pregnant. At least two surviving aliens were immediately transported away by members of the organization. Other members fled the location after discovering so many of the aliens had died. **ZAMORANO** was found hiding in the nearby brush by responding law enforcement.

20. Sixteen aliens were transported to hospitals—5 of those died.

21. Of the 53 total aliens who perished, 27 were Mexican nationals, 20 were Guatemalan nationals, and 6 were Honduran nationals.

COUNT ONE

[8 U.S.C. § 1324(a)(1)(A)(ii), (a)(1)(A)(v)(I) & (a)(1)(B)(iv)]

Paragraphs 1 through 21 of this Indictment are realleged and incorporated as though full set forth herein.

Beginning on or about December 1, 2021, and continuing through on or about June 27, 2022, in the Western District of Texas, Southern District of Texas, and elsewhere, Defendants,

**(1) HOMERO ZAMORANO JR.,
(2) CHRISTIAN MARTINEZ,
(3) RILEY COVARRUBIAS-PONCE aka RRILI aka RILAY,
(4) FELIPE ORDUNA-TORRES aka CHOLO aka CHUEQUITO/CHUEKITO aka
NEGRO,**

**(6) LUIS ALBERTO RIVERA-LEAL aka COWBOY,
(7) ARMANDO GONZALES-ORTEGA aka EL DON aka DON GON,**

and others, knowing and in reckless disregard of the fact that aliens came to, entered, and remained in the United States in violation of law, did knowingly and intentionally combine, conspire, confederate and agree with each other, to transport, move, and attempt to transport and move, said aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law, and the offense resulted in the death of 53 persons, namely: 47 adults and six children, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), (a)(1)(A)(v)(I), and (a)(1)(B)(iv).

COUNT TWO

[8 U.S.C. § 1324(a)(1)(A)(ii), (a)(1)(A)(v)(I) & (a)(1)(B)(iii)]

Paragraphs 1 through 21 of this Indictment are realleged and incorporated as though full set forth herein.

Beginning on or about December 1, 2021, and continuing through on or about June 27, 2022, in the Western District of Texas, Southern District of Texas, and elsewhere, Defendants,

(1) HOMERO ZAMORANO JR.,

**(2) CHRISTIAN MARTINEZ,
(3) RILEY COVARRUBIAS-PONCE aka RRILI aka RILAY,
(4) FELIPE ORDUNA-TORRES aka CHOLO aka CHUEQUITO/CHUEKITO aka
NEGRO,**

**(6) LUIS ALBERTO RIVERA-LEAL aka COWBOY,
(7) ARMANDO GONZALES-ORTEGA aka EL DON aka DON GON,**

and others, knowing and in reckless disregard of the fact that aliens came to, entered, and remained in the United States in violation of law, did knowingly and intentionally combine, conspire, confederate and agree with each other, to transport, move, and attempt to transport and move, said aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law, and the offense resulted in the serious bodily injury to or placed in jeopardy the life of 11 persons, namely: nine adults and two children, all in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), (a)(1)(A)(v)(I), and (a)(1)(B)(iii).

COUNT THREE

[8 U.S.C. § 1324(a)(1)(A)(ii), (a)(1)(A)(v)(II) & (a)(1)(B)(iv)]

Paragraphs 1 through 21 of this Indictment are realleged and incorporated as though full set forth herein.

Beginning on or about June 25, 2022, and continuing through on or about June 27, 2022, in the Western District of Texas, Southern District of Texas, and elsewhere, Defendants,

**(1) HOMERO ZAMORANO JR.,
(2) CHRISTIAN MARTINEZ,
(3) RILEY COVARRUBIAS-PONCE aka RRILI aka RILAY,
(4) FELIPE ORDUNA-TORRES aka CHOLO aka CHUEQUITO/CHUEKITO aka
NEGRO,**

**(6) LUIS ALBERTO RIVERA-LEAL aka COWBOY,
(7) ARMANDO GONZALES-ORTEGA aka EL DON aka DON GON,**

and others, aided and abetted by each other, knowing and in reckless disregard of the fact that aliens came to, entered, and remained in the United States in violation of law, did knowingly and

intentionally transport, move, and attempt to transport and move, said aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law, and the offense resulted in the death of 53 persons, namely: 47 adults and six children, all in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), (a)(1)(A)(v)(II), and (a)(1)(B)(iv).

COUNT FOUR

[8 U.S.C. § 1324(a)(1)(A)(ii), (a)(1)(A)(v)(II) & (a)(1)(B)(iii)]

Paragraphs 1 through 21 of this Indictment are realleged and incorporated as though full set forth herein.

Beginning on or about June 25, 2022, and continuing through on or about June 27, 2022, in the Western District of Texas, Southern District of Texas, and elsewhere, Defendants,

**(1) HOMERO ZAMORANO JR.,
(2) CHRISTIAN MARTINEZ,
(3) RILEY COVARRUBIAS-PONCE aka RRILI aka RILAY,
(4) FELIPE ORDUNA-TORRES aka CHOLO aka CHUEQUITO/CHUEKITO aka
NEGRO,
[REDACTED],
(6) LUIS ALBERTO RIVERA-LEAL aka COWBOY,
(7) ARMANDO GONZALES-ORTEGA aka EL DON aka DON GON,**

and others, aided and abetted by each other, knowing and in reckless disregard of the fact that aliens came to, entered, and remained in the United States in violation of law, did knowingly and intentionally transport, move, and attempt to transport and move, said aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law, and the offense resulted in the serious bodily injury to or placed in jeopardy the life of 11 persons, namely: nine adults and two children, all in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), (a)(1)(A)(v)(II), and (a)(1)(B)(iii).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See FED. R. CRIM. P. 32.2]

I.

Immigration Violations and Forfeiture Statute
[Title 8 U.S.C. § 1324(a)(1)(A)(ii)/(v)(I)/(v)(II),
subject to forfeiture pursuant to Title 18 U.S.C. § 982(a)(6)(A)]

As a result of the foregoing criminal violations set forth in Counts One to Four, the United States of America gives notice to the Defendants of its intent to seek the forfeiture of property, including any items listed below, upon conviction and as a part of sentence pursuant to FED. R. CRIM. P. 32.2 and Title 18 U.S.C. § 982(a)(6)(A) which states the following:

Title 18 U.S.C. § 982 Criminal forfeiture

(a)(6)(A) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 274(a) . . . of the Immigration and Nationality Act . . . shall order that the person forfeit to the United States, regardless of any provision of State law—

- (i)** any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense of which the person is convicted; and
- (ii)** any property real or personal—
 - (I)** that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; or
 - (II)** that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted.

This Notice of Demand for Forfeiture includes but is not limited to the following.

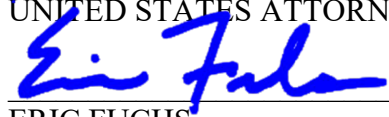
- 1. 1995 Phoenix Ultra refrigerated trailer, VIN 1UYVS2530SU244808.**

A TRUE BILL

FOREPERSON OF THE GRAND JURY

JAIME ESPARZA
UNITED STATES ATTORNEY

BY:



ERIC FUCHS
FOR SARAH SPEARS
FOR AMANDA BROWN
Assistant United States Attorneys